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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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7 JOSEPH MEZZONE  
8 Plaintiff  
9  
10 vs.  
11 STATE OF NEVADA et al.  
12 C/O BRANNON / C/O SMITH  
13 Defendants

CASE No. 3:15-CV-00499-MMD-WGC

MOTION TO COMPEL DISCOVERY

14  
15  
16 COMES NOW, the plaintiff Joseph Mezzoni #68549  
17 pro-se, in the above entitled action respectfully submitting  
18 his motion to compel Discovery. This motion is made and  
19 based upon the provisions of rule 37(a) of the Federal Rules of  
20 Civil Procedure.

21 In support of this motion the following points and  
22 authorities are attached, as well as all pleadings and documents  
23 on file herein.

Points and Authorities

I

Statements of the Case

The plaintiff Joseph Mezzoni has filed a civil rights action

I.

## STATEMENTS OF THE CASE

(continued)

1. alleging that the above named defendants are knowingly and  
 2. unreasonably disregarding plaintiffs due process rights  
 3. to the 14<sup>th</sup> Amendment for his ~~5-1-15~~ 5-1-15 Disciplinary Hearing  
 4. and found plaintiff guilty without his due process rights afforded  
 5. to him by Nevada Dept of Corrections Administration Regulations  
 6. 707 and under Wolff v. McDonnell, 418 US 539, 94 S.Ct 2963, 41  
 7. L.Ed. 2d 935 (1974). He was disciplined by a false disciplinary  
 8. and then denied video, still pictures, witnesses and other related due  
 9. process afforded to him by defendants. see; Marquez v. Mann, 192 A.D.-  
 10. 2d 100, 600 N.Y.S. 2d 285 (3d Dept. 1993) (Failure of hearing officer to  
 11. allow inmate to review video tape of incident in question at disciplinary  
 12. hearing denied inmate his Constitutional right to answer the evidence,  
 13. therefore the record of the incident should be expunged).  
 14. The plaintiff contends that in order to effectively present his case,  
 15. and motion for Summary judgment he must have access to his:  
 16. (1) medical records, (2) Video Tape of Units 5, 4, 8, 7 inside and out cameras on  
 17. 3-28-15 at Northern Nevada Correctional Center at 7pm to 9pm, (3) Still pictures  
 18. took on 3-28-15 with cameras of plaintiff ect..., (4) Disciplinary Disk recorded  
 19. of the 5-1-15 Disciplinary Hearing with LT Brannon; (5) All Officers Reports  
 20. as witnesses and participants to the disciplinary on the night of 3-28-15  
 21. at (NNCC) Prison. (6) All witnesses reports and Affidavits sent to IG Office of  
 22. inmates in Unit 5 on 3-28-15 at (NNCC) Prison. My dad sent Affidavits of  
 23. inmates who witnessed to the IG office in Carson City to Officer Mr Moore  
 24. who interviewed plaintiff a week after 3-28-15. (6) Any and All other evidence  
 25. papers and material facts to this case to compel Discovery and afford copies  
 26. to plaintiff.  
 27.  
 28.

## II. Legal Argument

1. The law has been established that the District Court  
 2. has wide discretion in controlling discovery. See; Blackburn v. U.S.  
 3. 100 F.3d 1426 (9th Cir. 1996).

4. The Plaintiff has attempted to see all this evidence  
 5. at his disciplinary on 5-1-15 and was denied and told by  
 6. Disciplinary C/O Brannon hearing Officer that you not allowed  
 7. to see; Video or get any more witnesses. See; 5-1-15 Disciplinary  
 8. recording tape. But on the other hand Warden Ms Walsh  
 9. states on her responds to Plaintiff's Inmate Request Form  
 10. dated 4-5-15 at (MCC) Prison that; She would adhere to the  
 11. process. Plaintiff specified Video/still pictures, Inmate Witnesses  
 12. on that note, which is ~~attached~~ attached to Plaintiff's  
 13. First Amended Complaint (last PAGE).

14. The relevant standard for discovery is to be considered  
 15. broadly to include any matter that bears on or that could  
 16. reasonably lead to other matter that could bear on issues that  
 17. may be in the case. See; Pagano v. Orreville Hosp. 145 F.R.D. 683  
 18. (E.D. Cal. 1993) The plaintiff respectfully request that the defendants  
 19. provide him with copies of his medical records from 3-28-15 to  
 20. present after care and X-rays, and all other discovery Video, still pics,  
 21. witnesses, Officers reports, Disciplinary Order on 5-1-15 for 3-28-15  
 22. incident and any and all other related evidence and, so he can file  
 23. an effective motion for summary judgment and prepare his case  
 24. appropriately. Generally, the purpose of discovery is to remove surprise  
 25. from trial preparation so parties can obtain evidence necessary to  
 26. present their case.

II.  
Legal Argument

(Continued)

2. evaluate and resolve their dispute. See, U.S. v. City of  
 3 Torrance, 164 F.R.D. 493 (C.D. Cal. 1995). Plaintiff need all this  
 4 discovery to show the Court/Jury that plaintiff was punished prior to disciplinary  
 5 and due process denied.

III.Conclusion

8 Wherefore, in light of the foregoing, the plaintiff  
 9 prays that this Honorable Court issue an order  
 10 compelling the defendants to comply with the  
 11 plaintiff's discovery requests.

RESPECTFULLY SUBMITTEDThis 19<sup>th</sup> day of February, 2017

17 BY: Joseph Mizzoni  
 18  
 19 Joseph L. Mizzoni  
 20 #68549

1 AFFIDAVITS OF JOSEPH MIZZONI #68549 Pro-Se  
 2 STATE OF NEVADA)

3 i ss  
 4 CLARK COUNTY)

5  
 6 (1) Plaintiff sworn in support of the Motion duly and says;

7  
 8 (2) Plaintiff in Pro-se/Joseph Mizioni #68549 in Support of  
 9 this affidavit here for a "MOTION TO COMPEL DISCOVERY"  
 10 for this case # 3:15-cv-00499-MMD-WGC on his §1983  
 11 Civil Rights Complaint PURSUANT TO 42 USC §1983. IN THE  
 12 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA  
 13 and does so in a truthfull manner under 28 USC §1746 and  
 14 NRS Laws of perjury and penalty.

15  
 16 RESPECTFULLY SUBMITTED  
 17 this 19<sup>th</sup> day of February 2017

18  
 19 BY: Joseph Mizioni  
 20 Joseph Mizioni  
 21 #68549  
 22  
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 24  
 25  
 26  
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V

## 1- CERTIFICATE OF MAILING BY U.S. MAIL

2- I Joseph Mezzoni #68549 hereby certify pursuant  
 3 to 28 USC §1746 that on this 29<sup>th</sup> day of February, 2017 I  
 4 mailed a true correct copy of the foregoing "MOTION TO  
 5 COMPEL DISCOVERY" and by giving it to a prison guard at  
 6 High Desert State Prison and by giving it to a prison guard  
 7 by brass Slip # 1610497 sealed and postage prepaid and  
 8 addressed to:  
 9

10 (1) CLERK U.S. DISTRICT COURT  
 11 DISTRICT OF NEVADA  
 12 400 SOUTH VIRGINIA STREET, Room 301  
 13 RENO, NEVADA-89501  
 14  
 15

(2) OFFICE OF ATTORNEY  
 GEN/NEV.  
 100 N. CARSON STREET  
 CARSON CITY, NV. 89701-  
 -4717

16 (3) ADDRESS OF PLAINTIFF  
 17 JOSEPH MEZZONI #68549  
 18 H.D.S.P.  
 19 PO Box 650  
 20 INDIAN SPRINGS, NV. 89700  
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BY: Joseph Mezzoni  
 JOSEPH MEZZONI  
 #68549